


PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P209372PCT		FOR FURTHER ACTION		See Form PCT/PEA416
International application No. PCT/NL2005/000009		International filing date (day/month/year) 10.01.2005		Priority date (day/month/year) 08.01.2004
International Patent Classification (IPC) or national classification and IPC F24J206, F24J250				
Applicant AGROTECHNOLOGY AND FOOD INNOVATIONS B.V. et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (Indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 08.11.2005		Date of completion of this report 09.01.2006		
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patenlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Van Dooren, M Telephone No. +31 70 340-4097		



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International application No.
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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements* of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-12 as originally filed

Claims, Numbers

1-34 as originally filed

Drawings, Sheets

1/6-6/6 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify)*:
- ☐ any table(s) related to sequence listing *(specify)*:

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify)*:
- ☐ any table(s) related to sequence listing *(specify)*:

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	5,6,22-24,27,28,30
	No: Claims	1-4,7-21,25,26,29,31-34
Inventive step (IS)	Yes: Claims	
	No: Claims	5,6,22-24,27,28,30
Industrial applicability (IA)	Yes: Claims	1-34
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:

- D1: FR-A-2 832 811 (SAINT GOBAIN) 30 May 2003 (2003-05-30)
- D2: FR-A-2 530 787 (LOUIS SOLANGE) 27 January 1984 (1984-01-27)
- D3: US-A-5 729 387 (KOBAYASHI KIYONDO ET AL) 17 March 1998 (1998-03-17)
- D4: FR-A-1 209 542 (SADI CAMPET) 2 March 1960 (1960-03-02)
- D5: WO 02/064518 A (INTERFLOAT CORPORATION; WEIKINGER, JOSEF) 22 August 2002 (2002-08-22)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claim 1 is not new in the sense of Article 33(2) PCT.

The document D1 discloses (*see page 3, line 26 - page 10, line 9, figures and claims 1 - 24*):

Cover for an object using solar radiation, wherein the cover comprises a cover sheet made of a material transparent to solar radiation; wherein, viewed in cross-sectional view with respect to the sheet, the sheet has a zig-zag profiled surface structure on either side (*see page 1, lines 8-9 and page 3, lines 28 - 29 : "Les deux côtés de la plaque peuvent présenter de tels motifs"*); wherein the distance between two neighbouring peaks of the zig-zag surface structure is L and the thickness of the sheet is D; and wherein $L < 0.25D$ (eg. $L < 0.001$ mm (or alternatively $L < 1$ mm, see claim 11), see page 5, line 29 - page 6, line 2 : the diameter of the smallest possible circle containing the base of the texture = 0.001 mm (or alternatively = 1 mm, see claim 11), this diameter being greater than the distance L between two neighbouring peaks in case of a square based regular pyramidal structure; and eg. $D = 10$ mm, see page 8, lines 27-28 : "La plaque selon l'invention peut avoir une épaisseur totale allant de 0.5 à 10 mm").

It is to be noted that eg. the combination of the values of $L < 1$ mm (*see claim 11*)

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and $D = 10$ mm (*"selon l'invention"*, see page 8, lines 27 - 28) is explicitly disclosed in D1.

Also D5 discloses a cover according to claim 1 (with eg. $L = 0,8$ mm, see page 7, lines 4 - 5 and figure 3g and also claims 5 and 6 : the length of the base side of the texture equals the distance between two neighbouring peaks in case of a square based regular pyramidal structure having touching structures; and eg. $D = 4$ mm, see page 5, lines 25 - 26 and page 4, lines 31 - 32 : figure 2 shows the measured reflection values of glass cover according to the invention and having a thickness of eg. 4 mm).

3. Dependent claims 2 - 34 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1 - D5 and the corresponding passages cited in the search report.